

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dora Toole Roundtree,)	
)	C/A No. 1:09-3147-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Mary Webb, Pamela Glover, and)	
Jennifer Holston,)	
)	
Defendants.)	
_____)	

Plaintiff Dora Toole Roundtree, proceeding pro se and in forma pauperis, filed a complaint on December 4, 2009, contending that Defendants wrongfully claim to be children of Plaintiff's deceased father and asking the court to appoint her to oversee her father's estate.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915. On January 15, 2010, the Magistrate Judge issued a Report and Recommendation in which she noted that although there appears to be diversity of citizenship between Plaintiff and Defendants, there is no evidence that the requisite \$75,000 amount in controversy has been met. Further, the Magistrate Judge noted that federal courts should decline to exercise jurisdiction over state-law-based claims that would require the court to interfere with certain rulings that must be made in state probate court actions. The Magistrate Judge also noted that Plaintiff's remedy is to appeal probate court decisions to the South Carolina appellate courts. Accordingly, the Magistrate Judge recommended that the case be summarily dismissed for lack of subject matter jurisdiction. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation incorporates it herein by reference. The case is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

February 10, 2010.

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**